



FOX TELEVISION STATIONS, INC.

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A Unit of Fox Television

Shaun Maher, Esq.
Federal Communications Commission
Room 2-A820
445 12th Street, SW
Washington, DC 20554

Re: MB Docket No. 03-15

Dear Mr. Maher:

WBRC License, Inc. ("WBRC"), permittee of television station of WBRC-DT, Birmingham, Alabama, File No. BPCDT-19991004ABM, respectfully requests that the Commission waive the July 1, 2005 "use-it-or-lose-it" deadline for full-power DTV operation adopted by the Commission at paragraph 78 of the *Second DTV Periodic Review Report and Order of the Commission's Rules and Policies Affecting the Conversion To Digital Television*, MB Docket No. 03-15, RM 9832, released September 7, 2004 (19 FCC Rcd 18,279), pursuant to the procedure set out in Public Notice DA 05-1636, released June 15, 2005.

WBRC is one of Fox Television Stations, Inc.'s ("Fox") 35 owned and operated stations. WBRC-DT has been operating at low power from its studio tower pursuant to Special Temporary Authority ("STA"), File No. BEDSTA-20020905ACF, since April 2002, providing the requisite coverage of Birmingham. The low power DTV facility uses a 200-Watt transmitter, with an effective radiated power of 750 Watts. By this letter, extensions of this STA and WBRC-DT's Construction Permit deadline are requested.

WBRC-DT's full-power implementation was delayed initially by protracted negotiations over a period in excess of two years in an attempt to relocate an existing tenant, Alabama Public Television, from its tower, as the tower was found not to be able to support both analog and digital equipment of WBRC and its tenant. It took some time for this tenant, a noncommercial, educational broadcaster, with limited financial resources, to locate a new site for its operations. Even when a suitable new site was located, the tenant had to await relocation of other broadcasters' equipment from its new antenna tower before it could remove its equipment from WBRC's tower.

This chain of contingencies caused WBRC-DT to seek an extension of its May 1, 2002 DTV buildout deadline (See File No. BEPCDT-20020220ABI) before it could even install a low power DTV on its tower and prepare the tower for installation of its full-power DTV equipment. In the meantime, WBRC has commissioned an architect to prepare plans for a new transmitter building and ordered its full-power DTV transmitter, transmission line and antenna. Copies of purchase orders for these items are attached hereto. The price terms are redacted, because this is proprietary. A paper copy of this Shaun Maher,

letter also is being filed, including unredacted copies of the documents. Fox respectfully requests that the cost figures in those documents be withheld from public inspection pursuant to Sections 0.457(d) and 0.459 of the Commission's Rules, 47 CFR Sections 0.457(d) and 0.459, as this information is proprietary and not otherwise available for public inspection.

WBRC has awarded a contract for construction of the DTV transmitter building and received the necessary building permits. Construction has commenced, and installation of the DTV antenna and transmission line commenced on June 17, 2005. The DTV transmitter is scheduled to arrive on or before June 30, 2005. As soon as the transmitter building is completed, the DTV transmitter can be installed and tested. But this likely will not occur until mid-July 2005.

In light of the resources already committed and progress already made toward implementation of full-power DTV, WBRC's good faith cannot be called into question. As additional evidence of Fox's good faith, the Commission merely need look to its overall record in implementing DTV to date:

- Twenty-five of Fox's owned and operated stations have met all applicable deadlines and currently are operating at full facilities;
- Of Fox's remaining ten owned and operated stations, eight are operating low-power DTV facilities pursuant to STA and will be fully operational within this calendar year, one is operating a low-power DTV facility and will meet its full-power deadline of July 1, 2006, and one, a satellite station that does not have a DTV channel allotment, will "flash cut" to DTV;
- All of Fox's DTV facilities implemented dynamic PSIP in a timely fashion;
- Fox has granted digital carriage rights to numerous multichannel video providers nationwide on behalf of all of its owned and operated stations and includes digital carriage provisions in all of its retransmission consent agreements.

As the foregoing illustrates, Fox's commitment to DTV implementation cannot be questioned, and the modest waiver of time sought for WBRC-DT's full-power operation should be granted.

I hereby certify that no party to this extension request is subject to denial of federal benefits pursuant to § 5301 of the Anti-Drug Abuse Act of 1998, 21 USC § 862.

Respectfully submitted,

Molly Pauker

Attachments

